

EXHIBIT B

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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|-------------------------------------|---|
| -----X | |
| VERRAGIO, LTD., | : |
| | : |
| Plaintiff, | : |
| | : |
| v. | : |
| | : |
| WALMART INC. f/k/a WAL-MART STORES, | : |
| INC. and K&M ASSOCIATES, L.P., | : |
| | : |
| Defendants. | : |
| -----X | |

Case No. 1:18-cv-10620 (GHW)

PLAINTIFF'S PROPOSED VERDICT FORM

A. Validity of Copyright Registration⁶:

1. Do you find that Defendants have established by a preponderance of the evidence that the ring design for AFN-5013P was published prior to May 11, 2010? If so, check YES; otherwise, check NO.

_____ YES

_____ NO

If your answer to Question No. 1 is NO, you may skip Question Nos. 2 and 3, and continue to Section B.

2. Do you find that Defendants have established by a preponderance of the evidence that Barry Nisguretsky knew that the ring design for AFN-5013P was published prior to May 11, 2010 and deliberately and willfully withheld that information from the Copyright Office when he submitted the copyright application for AFN-5013R-4. If so, check YES; otherwise, check NO.

_____ YES

_____ NO

If your answer to Question No. 2 is NO, you may skip Question No. 3 and continue to Section B.

3. Do you find that Defendants have established by a preponderance of the evidence that Plaintiff's U.S. Copyright Registration VAu 1-027-588 for ring design AFN-5013R-4 is invalid? If so, check YES; otherwise, check NO.

_____ YES

_____ NO

If your answer to Question No. 3 is YES, your deliberations are completed. If your answer to Question No. 3 is NO, please continue to Section B.

⁶ Plaintiff objects to Defendants' ability to challenge the validity of the copyright registration for AFN-5013R-4. Neither the facts nor the law support Defendants' claim that, prior to May 11, 2010 when the copyright application for AFN-5013R-4 was filed, there existed a preexisting published or registered work that contained copyrightable material found in AFN-5013R-4.

B. Copyright Infringement As Against K&M:

4. Do you find that Verragio has established by a preponderance of the evidence that K&M infringed Verragio's ring design AFN-5013R-4 by selling the Accused Ring? If so, check YES; otherwise, check NO.

_____ YES

_____ NO

If your answer to Question No. 4 is NO, you may skip Question No. 5 and continue to Section C.

5. Do you find that Verragio has established by a preponderance of the evidence that K&M's infringement of Verragio's ring design 5013R-4 was willful? If so, check YES; otherwise, check NO.

_____ YES

_____ NO

Please continue to Section C.

C. Copyright Infringement As Against Walmart:

6. Do you find that Verragio has established by a preponderance of the evidence that Walmart directly infringed Verragio's ring design AFN-5013R-4 by selling the Accused Ring at Walmart stores. If so, check YES; otherwise, check NO.

_____ YES

_____ NO

Please continue to Question No. 7.

7. Do you find that Verragio has established by a preponderance of the evidence that Walmart had the right and ability to supervise and control sales of the Accused Ring at Walmart stores. If so, check YES; otherwise, check NO.

_____ YES

_____ NO

If your answer to Question No. 7 is NO, you may skip Question No. 8, and continue to Question No. 9.

8. Do you find that Verragio has established by a preponderance of the evidence that Walmart vicariously infringed Verragio's ring design AFN-5013R-4 by selling the Accused Ring at Walmart stores. If so, check YES; otherwise, check NO.

_____ YES

_____ NO

Please continue to Question No. 9.

9. Do you find that Verragio has established by a preponderance of the evidence that Walmart contributed to the infringement of Verragio's ring design AFN-5013R-4 by continuing to sell the Accused Ring after notice of the infringement. If so, check YES; otherwise, check NO.

_____ YES

_____ NO

If you answered YES to Question Nos. 6, 8 **or** 9, please answer Question No. 10. If you answered NO to Question Nos. 6, 8 **and** 9, you may skip Question No. 10 and continue to Section D.

10. Do you find that Verragio has established by a preponderance of the evidence that Walmart's infringement of Verragio's ring design 5013R-4 was willful? If so, check YES; otherwise, check NO.

_____ YES

_____ NO

Please continue to Section D.

D. Copyright Infringement & Disgorgement of Profits:

11. If you answered “Yes” to Question No. 4, what amount of K&M’s profits is Verragio entitled to from K&M’s infringement of AFN-5013R-4?

12. If you answered “Yes” to Question Nos. 6, 8 **or** 9, what amount of Walmart’s profits is Verragio entitled to from Walmart’s infringement of AFN-5013R-4?

SIGNED this ____ day of January 2023.

JURY FOREPERSON